

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

10

RAYMOND LEO JARLIK-BELL,

Defendant.

CASE NO. CR11-05407 RBL

ORDER DENYING DEFENDANTS
MOTION FOR BAIL REVIEW
HEARING

THIS MATTER comes before the Court on defendant's Motion for Bail Review Hearing.

¹⁷ This motion has been referred to this Court by the Honorable Ronald B. Leighton (ECF No. 82).

18 The Court has reviewed the motion (ECF No. 80), the declaration of Raymond Bell (ECF
19 No. 80-1), the Motion to Substitute Attorney and Continuance of Trial (ECF No. 80-2), the
20 Supplemental Declaration of Raymond Leo Jarlik-Bell (ECF No. 80-3), the Declaration of Ute
21 Christine Jarlik-Bell (ECF No. 80-4), the Motion for Review and Modification of Detention
22 Hearing (ECF No. 80-5), the Confidential memo from David M. Dixon, Ph.D. to Michael
23 Schwartz (ECF No. 81), and the U.S.'s Response (ECF No. 83).

1 A full hearing of the detention issue was conducted on July 19, 2011. At that time, this
2 Court ordered defendant detained. 18 U.S.C. § 3142(f)(2)(B) provides in part:

3 The (detention) hearing may be reopened anytime before trial if the
4 judicial officer finds that information exists that was not known to the
5 movant at the time of the hearing and that has a material bearing on the
6 issue whether there are conditions of release that will reasonably assure
7 the appearance of such person as required and the safety of any other
8 person and the community.

9 At the time of the last hearing, Mr. Bell chose not to testify. Mr. Bell and his attorney
10 also chose not to call his wife as a witness or any expert regarding his mental state. All of this is
11 information that existed at the time of that hearing and that was known to the movant at the time
12 of the earlier hearing. The only thing that has changed is Mr. Bell's desire to submit information
13 that he choose not to submit at the initial hearing.

14 While defendant may have changed his mind, as well as his counsel, it does not change
15 the information that was available to the movant at the time of the hearing. All of this
16 information was available to defendant at the time of the initial hearing. He simply chose not to
17 submit it.

18 Therefore, the Court sees no reason to reopen this issue at this time. Defendant's Motion
19 for a Bail Review Hearing is DENIED.

20 Dated this 22nd day of June, 2012.

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23 J. Richard Creatura
24 United States Magistrate Judge